

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

MICHAEL PAUL WILLIAMS,

Plaintiff,

v.

Case No. CIV-10-388-RAW

MICHAEL J. ASTRUE,
Commissioner of Social Security
Administration,

Defendant.

ORDER

Before the court is Plaintiff's social security complaint. Plaintiff states that he has been "on Social Security Disability for mental disabilities" since 1996. He states that he is "currently owed all back benefits plus montly (sic) 1/10th benefits for Inmates (sic)."

Plaintiff states that he was in the custody of his aunt and uncle from 1996 through 2002 and did not receive any social security benefits. He also states that he was in the Oklahoma prison system from 2003 through 2006 and from 2007 to the present and is not receiving benefits. Plaintiff states that it took six months after his release from prison in 2006 to start receiving benefits again. Plaintiff requests back benefits plus interest and the "benefits due incarcerated inmates."

The Social Security Act suspends disability benefits for prisoners. 42 U.S.C. §§ 423(j) and 402(x)(1)(A)(i). Plaintiff is not owed benefits for the time of his incarceration. As to the question of back pay for benefits Plaintiff claims he is owed and did not receive when he was not incarcerated,

the proper venue for such an initial claim is the Social Security Administration. Accordingly, Plaintiff's complaint is hereby DISMISSED.

It is so ORDERED this 22nd day of October, 2010.

Dated this 22nd Day of October 2010.

A handwritten signature in cursive script, reading "Ronald A. White", written over a horizontal line.

Ronald A. White
United States District Judge
Eastern District of Oklahoma

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